

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JANE DOE,)	
)	
Plaintiff)	
)	
vs.)	NO.: 5:20-CV-00377-JDW
)	
MORAVIAN COLLEGE, JOHN DOE 1,)	
JOHN DOE 2, and JOHN DOE 3,)	
)	CIVIL ACTION
<i>Individually and Jointly,</i>)	
)	
Defendants)	JURY TRIAL DEMANDED

PLAINTIFF'S PRE-TRIAL MEMORANDUM
PURSUANT TO LOCAL RULE 16.1(c)

Plaintiff, Jane Doe, by and through her undersigned counsel, Adam D. Meshkov, Esquire and John R. Vivian, Jr., Esquire, hereby provides the following Pre-Trial Memorandum Pursuant to Local Rule 16.1(c) as follows:

I. NATURE OF ACTION / BASIS OF JURISDICTION

This case stems from a sexual assault and rape by Defendants John Doe 1, John Doe 2 and John Doe 3 on Defendant, Moravian College's Campus. Claims of Negligence, Intentional Infliction of Emotional Distress (IIED) and of violations of Title IX have been brought against Defendant Moravian and of IIED and Assault and Battery against Defendant's John Doe 1, John Doe 2 and John Doe 3.

II. STATEMENT OF FACTS

On August 24, 2017, Plaintiff attended a party at the "football house," a residence located on the campus of Defendant, Moravian College and which is also owned by Moravian. Following her arrival at "football house," Plaintiff felt dizzy and sick and was provided with a

sealed bottle of water which she consumed and which was later refilled by what she believed to be water. While at the “football house,” Plaintiff was approached by John Doe 3 and John Doe 2 who walked her back to her dorm room. On the way to her dorm room, Plaintiff was informed by John Doe 3 that John Doe 2’s dorm was on the way and that she should stop there to use the bathroom, which she agreed to.

Upon arriving at John Doe 2’s dormitory, the Austin-Spangenburg house, also located on Moravian’s campus, the Individual Defendants coordinated an effort to force Plaintiff into John Doe 2’s dorm room, at which point she was forcibly raped and videotaped. *Id.* at ¶28-30.

Following the assault, one or more of the individual Defendants published a video they had taken in violation of Moravian’s established policies and Pennsylvania law.

In addition, the Individual Defendants exchanged text messages which included the following:

“We took her virginity”; “Y’all really violated that girl”; “She was calling us Daddy”; “She was fingering herself, I never saw a girl do that”; “She was crying in the bathroom”; “So, we may have a case”; and “Yeah, cuz Berto punched her”.

Plaintiff subsequently advised Moravian of her assault which undertook a Title IX investigation, which resulted in no discipline against any of the individual Defendants and, adding insult to injury, in fact appeared to be designed to discourage Plaintiff from moving forward with her complaint resulting in her experience of additional emotional distress and disillusionment with Moravian from which she subsequently voluntarily withdrew.

III. ITEMS OF MONETARY DAMAGES CLAIMED

Plaintiff seeks compensatory damages permitted under Title VII and under the Pennsylvania Common law for her claims of negligence, IIED and assault and battery.

IV. WITNESS INFORMATION

- 1) Plaintiff, Jane Doe
(Liability and Damages)
- 2) Plaintiff's father, George Sheriff
(Liability and Damages)
- 3) Defendant, Moravian College
(Liability)
- 4) Defendant, John Doe 1
(Liability)
- 5) Defendant, John Doe 2
(Liability)
- 6) Defendant, John Doe 3
(Liability)
- 7) Detective Moses Miller
(Liability)
- 8) Linda Hoy
(Liability)
- 9) Donald Sabo
(Liability)
- 10) Emma Barrett
(Liability and Damages)
- 11) Detective Robert Toronzi
(Liability)
- 12) Detective Paul Iannace
(Liability)
- 13) Leah Naso
(Liability)

5. John Doe 3 Deposition Transcript dated October 22, 2019 01223-01260
6. John Doe 3 Deposition Transcript dated July 25, 2022 w/ Exhibits 01261-01356
7. John Doe 3 Deposition Transcript dated August 19, 2022 w/ Exhibits 01357-01428
8. Moravian College No Contact Letters dated August 26, 2017 01429-01431
9. Bethlehem Police Department Records 01432-01512
10. Detective Moses Miller Deposition Transcript 01513-01578
11. Linda Hoy Deposition Transcript 01579-01632
12. Donald Sabo Deposition Transcript 01633-01685
13. Jane Doe Interview Corrections from Title IX Investigation 01686-01689
14. Moravian College Letters dated November 6, 2017 01690-01695
15. Moravian College Title IX Report 01696-01741
16. Moravian College Letters dated November 10, 2017 01742-01744
17. Moravian Investigative Documents re: Basketball Game Incident February 8, 2018
01745-01751
18. Moravian College Failure to Comply – Responsible Letter dated February 22, 2018
01752-01753
19. Moravian College Failure to Comply – Not Responsible Letter dated February 22, 2018
01754
20. Moravian College Map 01755
21. Moravian College Card History 01756-01760
22. Jane Doe Extraction Report 01761-02135
23. John Doe 1 Extraction Report 02136-02384
24. John Doe 2 Extraction Report 02385-02538
25. Emma Barrett Deposition Transcript 02559-02654
26. Detective Robert Toronzi Deposition Transcript and Exhibits 02655-03111
27. Detective Paul Iannace Deposition Transcript 03112-03231
28. George Sheriff Deposition Transcript and Exhibits 03232-03417
29. Leah Naso Deposition Transcript 03418-03482
30. Moravian's Investigation re No Contact 03483-03487
31. John Doe 3 Deposition Transcript dated October 1, 2019 03488-03495
32. John Doe 2's Phone – Texts Extractions Lehigh Crime Unit 03520-03534

VI. ESTIMATED NUMBER OF DAYS FOR TRIAL

2 weeks.

VII. SPECIAL COMMENTS

None.

VIII. ADDITIONAL INFORMATION REQUIRED PER PRE-TRIAL ORDER

A. STIPULATIONS OF COUNSEL

None.

B. OBJECTIONS TO EVIDENCE

Plaintiff will be filing a Motion in Limine to exclude the video evidence of the sexual encounter and relative to John Doe 3's repeated assertions of the 5th Amendment during deposition testimony.

Attorneys for Plaintiff

By: /s/ Adam D. Meshkov

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CERTIFICATE OF SERVICE

I, ADAM D. MESHKOV, ESQUIRE, certify that on the date listed below I caused a true and correct copy of the foregoing Plaintiff's Pre-Trial Memorandum to be served via email notification of filing in downloadable format from the United States District Court for the Eastern District of Pennsylvania ECF System upon the following:

Via ECF Notification only

Paul G. Lees, Esquire
Dickie, McCamey & Chilcote, P.C.
190 Brodhead Road, Suite 310
Bethlehem, PA 18017

Via ECF Notification only

Maraleen Shields, Esquire
Fitzpatrick, Lentz and Bubba, P.C.
Two Center City
645 West Hamilton Street, Suite 800
Allentown, PA 18101

Via ECF Notification only

Tyree Blair, Sr., Esquire
Spitale, Vargo, Madsen and Blair
680 Wolf Avenue
Easton, PA 18042

***Via email (dharris3237@gmail.com)
and USPS First Class Mail***

John Doe 3
3237 East Boulevard
Bethlehem, PA 18017

Date: November 8, 2022

/s/ Adam D. Meshkov

ADAM D. MESHKOV, ESQUIRE